

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CRYSTAL KRUEGER, an individual on
behalf of herself and other similarly
situated

Plaintiff,

v.

ALASKA AIRLINES, INC.,

Defendant.

CASE NO. C22-1777-JCC

ORDER

This matter comes before the Court on Plaintiff's motion for reconsideration (Dkt. No. 20) of this Court's order denying Plaintiff's motion to remand ("Order") (Dkt. No. 21). Having thoroughly considered the relevant record, the Court hereby DENIES the reconsideration motion for the reasons explained herein.

Defendant filed a notice of removal to federal court on December 15, 2022. (Dkt. No. 1.) The notice of removal asserted jurisdiction pursuant to the Class Action Fairness Act (CAFA). (*Id.*) Plaintiff filed a motion to remand, arguing that this Court lacked CAFA jurisdiction and, in the alternative, that an exception applied. (Dkt. No. 10.) She also requested jurisdictional discovery. (*Id.* at 19.) This Court denied the motion to remand and found that no citizenship-based exception applied. (*See generally* Dkt. No. 21.) It also denied the request for jurisdictional

1 discovery. (*Id.* at 5.) Plaintiff subsequently filed a motion to reconsider. (Dkt No. 20.)

2 Motions for reconsideration are generally disfavored. LCR 7(h)(1). Reconsideration is
3 only appropriate where there is “manifest error in the prior ruling or a showing of new facts or
4 legal authority which could not have been brought to [the Court’s] attention earlier with
5 reasonable diligence.” *Id.* “A motion for reconsideration should not be used to ask the court to
6 rethink what the court had already thought through—rightly or wrongly.” *Ma v. Univ. of S.*
7 *California*, 2019 WL 1239269, slip op. at 1 (W.D. Wash. 2019).

8 First, Plaintiff argues the Court committed manifest error by disregarding Ninth Circuit
9 precedent when it relied on Defendant’s estimation that class members worked an average of one
10 meal and one rest break eligible shift each week. (Dkt. No. 20 at 2.) Plaintiff misstates the
11 precedent she claims the Court disregarded. *Harris* stands for the proposition that reasonable
12 assumptions, supported by evidence, are sufficient to meet the preponderance standard in a
13 removal action. *Harris v. KM Indus., Inc.*, 980 F.3d 694, 701 (9th Cir. 2020) (“The district court
14 should weight the reasonableness of the removing party’s assumptions . . . [the removing party
15 did not meet its burden] because it relied on assumptions regarding the Meal Period and Rest
16 Period subclass that were unreasonable.”). Defendant was not required to provide “actual
17 evidence” to rebut Plaintiff’s arguments as Plaintiff asserts, as long as Defendant’s estimations
18 were reasonable, and thus the Court did not err. (Dkt. No. 20 at 2.)

19 Second, Plaintiff argues the Court erred when it accepted Defendant’s class size
20 calculation because Defendant misinterpreted the proposed class definition. (*See* Dkt. No. 20 at
21 3.) Plaintiff does not argue that the Court disregarded controlling precedent, nor does she provide
22 new facts or legal authority.¹ Plaintiff’s disagreement merely rehashes prior arguments. (*See id.*)
23 As such, it is not a proper challenge for purposes of a motion for reconsideration.

24 Third, Plaintiff argues the Court erred when it concluded that she failed to meet her
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26 ¹ The proposed class definition Plaintiff emphasized in her motion is not new information and
has been available to the Court since Defendant filed the notice of removal. (Dkt. No. 1-2.)

1 citizenship burden. (Dkt. No. 20 at 3.) Plaintiff argues this error is based on another flawed
2 interpretation of the class definition that allows the Court to consider flight attendants who are
3 part of the commuter travel program. (*See id.* at 3–4.) However, the Court’s consideration of
4 commuting flight attendants in its citizenship analysis was not error, let alone a manifest one.
5 First, there is no language in the class definition that expressly excludes flight attendants who use
6 non-revenue commuter travel. (*See* Dkt. No. 1-2 at 5–6.) Second, flight attendants must certify
7 that they live in another *city* to qualify for commuter travel, not another state. (Dkt. Nos. 15 at
8 24; 17-2 at 2.) Accordingly, flight attendants could certify that they live in Washington and still
9 qualify for the commuter travel program.

10 Fourth, Plaintiff claims that the Court did not review the entire record before determining
11 whether residency evidence can establish citizenship. (Dkt. No. 20) (citing *Mondragon v. Capitol*
12 *One Auto Fin.*, 736 F.3d 880, 886 (9th Cir. 2013)). In its order, the Court reviewed and
13 incorporated the entire factual record before concluding that Plaintiff’s evidence only established
14 residency, not citizenship. (Dkt. No. 21 at 5.) Therefore, Plaintiff’s claim is baseless.

15 Lastly, Plaintiff contends that the Court erred when it did not permit jurisdictional
16 discovery. In reasserting her jurisdictional discovery request, Plaintiff does not present any new
17 authority that suggests the Court made a manifest error in its decision to deny jurisdictional
18 discovery. (*See* Dkt. No 20 at 4–7.)

19 For the foregoing reasons, Defendant’s motion for reconsideration (Dkt. No. 20) is
20 DENIED.

21 DATED this 19th day of April 2023.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE